

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

655D0715

SENATE BILL NO. 161

Introduced by: Senators Bogue and Everist and Representatives Hunt and Fischer-Clemens

1 FOR AN ACT ENTITLED, An Act to restrict the legal responsibility to provide financial
2 support for certain family members.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 25-7-27 be amended to read as follows:

5 25-7-27. ~~Every adult child, having the financial ability so to do shall provide necessary food,~~
6 ~~clothing, shelter or medical attendance for a parent who is unable to provide for himself;~~
7 ~~provided that no claim shall be made against such adult child until notice has been given such~~
8 ~~adult child that his parent is unable to provide for himself, and such adult child shall have refused~~
9 ~~to provide for his parent. An adult child is responsible to reimburse any person or governmental~~
10 ~~entity who provides necessary food, clothing, shelter, or medical attendance for a parent only~~
11 under the following conditions:

- 12 (1) The parent transferred money or other assets to the adult child;
13 (2) The transfers occurred within thirty-six months of the date the necessary food,
14 clothing, shelter, or medical attendance was first provided for the parent;
15 (3) The transfers were gifts or were for less than full market value; and
16 (4) The adult child is given written notice within thirty days after the necessary food,
17 clothing, shelter, or medical attendance was first provided for the parent.

1 The adult child's reimbursement responsibility is limited to the difference in value between
2 the amount of consideration, if any, paid by the adult child to the parent, and the full market
3 value of the money or other asset transferred to the adult child from the parent at the date of the
4 transfer.

5 Section 2. That § 25-7-28 be repealed.

6 ~~—25-7-28. In the event necessary food, clothing, shelter or medical attendance is provided for~~
7 ~~a parent by a child, he shall have the right of contribution from his adult brothers and sisters, who~~
8 ~~refuse or do not assist in such maintenance, on a pro rata share to the extent of their ability to~~
9 ~~so contribute to such support; provided that no right of contribution for support shall accrue~~
10 ~~except from and after notice in writing is given by the child so providing for his parent.~~